

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

CHRISTOPHER GOLDEN

PLAINTIFF

V.

CIVIL ACTION NO. 5:08cv292-DCB-MTP

CHRISTOPHER EPPS, *et al.*

DEFENDANTS

ORDER TO SHOW CAUSE

THIS MATTER is before the court *sua sponte* for case management purposes, having come to its attention that Plaintiff has another lawsuit pending before the court (Civil Action No. 5:08cv156) in which he makes a number of allegations very similar to those asserted in the instant lawsuit and asserts claims arising out of those allegations. Given that these actions appear to involve common questions of law or fact, as well as many of the same witnesses, it appears to the court that consolidation of these two actions may be appropriate.¹ Accordingly,

IT IS ORDERED THAT the parties show cause at a telephonic hearing to be held on Tuesday, August 25, 2009 at 10:00 a.m. why these two matters should not be consolidated and why the trial setting in 5:08cv156² should not be continued pending the holding of a *Spears* hearing, as well as the completion of other pre-trial matters, in the instant matter.

SO ORDERED this the 21st day of August, 2009.

s/ Michael T. Parker

United States Magistrate Judge

¹ Rule 42(a) of the Federal Rules of Civil Procedure provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.”

² That matter is currently set for trial on September 9, 2009 at 10:00 a.m.